

▼ CONTENTS

- 2 Technical training program
- 2 Recruitment toolkits
- 3 Leaping good news
- 4 TV&C corner
- 5 Test talk
- 7 Overhaul of state discrimination complaint process
- 7 On-line publication of the new law booklet
- 8 Arbitration agreements
- 9 What's the deal in appeals?
- 13 Whom should I contact?

L.A. Job Fair



The State Personnel Board invites your participation in the upcoming Los Angeles Job fair on Friday, June 28 from 10 a.m. to 4 p.m., at the California Science Center. This event is being sponsored by Senator Kevin Murray, State Personnel Board, Employment Development Department and the Mothers In Action and the Brotherhood Crusade.

To increase public awareness of the Los Angeles Job Fair, SPB will be distributing flyers in

a mass mailing to colleges, universities, high schools, business & vocational schools, EDD/ Job Service Centers, local county welfare offices, and Los Angeles community organizations. The SPB will be working closely with local communities to promote the event and will also advertise the event on the SPB Web site and in the local media. We welcome your assistance in promoting the event by posting the event flyer in areas accessible to the public.

Over the past three years this event has been very successful in providing a broad range of employment opportunities to job seekers in the Los Angeles area. We invite all public service agencies to inform job seekers about any employment opportunities currently available.

If you are interested in reserving your space at the June 28 event or would like copies of the flyer please contact the Recruitment Program at (916) 657-2103, or TDD (916) 653-1498 or by e-mail at StateRecruit@spb.ca.gov. ■

SPB Presents...

The State Personnel Board is pleased to present our 2001/2002 Annual Report. The report defines the role of this organization, our vision, the principles that guide our actions, and some of our many accomplishments.

The SPB Annual Report also identifies many new and innovative projects that help to make our human resources system more responsive to the needs of our client agencies and employees. The roles and responsibilities of each SPB division are outlined, and our successes are highlighted, including our growing mediation program, our outreach efforts, and our role in the creation of an Emergency Evacuation Guide for Employees with Disabilities.

The report has been distributed nationwide to state agencies, as well as to city and county governments within California. It is also available to download and print from our Web site, www.spb.ca.gov.

All of the accomplishments presented in SPB's Annual Report are a result of the cooperative support and partnership of departments, unions, advocate organizations, and the dedicated work of the employees of this organization. ■



News from the Technical Training Program



The Technical Training Program would like to congratulate the Spring 2002 graduates of the Selection Analyst

Training Program. The following individuals received their *Certified Selection Analyst* plaques at the SPB meeting in Sacramento on June 18, 2002: Annette Roberts, Bertha Lopez, Betty Scott, Beverly C. Lamera, Carol MacMillan, Charmaine Traywick, Daphne Baldwin, Elizabeth Gamez, Fermin J. Perez III, Fil Tucker, Kathleen Daniel, Kathy Vagg, Sherrie Scott, and Susan M. Vellutini.

Once again the Technical Training Program is offering the Selection Analyst Training Program (Fall 2002

series) in Sacramento. The schedule of Selection Analyst classes is presented on our Web site with our other classes being offered this Fall. Please contact us if you wish to enroll.

In addition to the hardcopy of the Schedule of Classes for July 1, 2002 – June 30, 2003, and our Web site at <http://www.spb.ca.gov/spbtrain/>, you can keep apprised of SPB activities, including Technical Training Program classes, at the SPB Outreach Events Calendar Web site at <http://exams.spb.ca.gov/spbcal.htm>. If you prefer to have a hardcopy of the *Schedule of Classes* for July 1, 2002 – June 30, 2003, please contact us at the numbers listed in this article.

Your suggestions and comments regarding the Technical Training Program are always welcome. To let

us know how we can best meet your training needs, contact Bill Groome at (916) 653-1597 or Karen Pack at (916) 653-2085, TDD (916) 654-6336, Profs TS1A (PBWRG) or at our E-mail address ttp@spb.ca.gov.

To register for upcoming classes, please complete an SPB-46 Program Registration form. The form is downloadable from the Web site in both Microsoft Word format and Adobe Acrobat Reader format at <http://www.spb.ca.gov/spbtrain/register.htm> or call us and we will FAX a blank form to you. FAX your completed Program Registration form to (916) 657-2502, and we will schedule you. We look forward to seeing you in one of our classes soon. ■

Recruitment Toolkits

Did you know the Recruitment and Employment Services Unit at SPB offers the following tools to help state departments with their recruitment efforts?



The Recruitment Sources Directory

The Directory is a listing of a variety of state and other public employment and training agencies, public service organizations, advocacy groups, schools, colleges, and universities who have expressed an interest in receiving state employment information. The information in this directory was compiled for the purpose of facilitating recruitment for state agencies into a broad segment of California's population.

State departments can choose to purchase a hard copy of *The Recruitment Sources Directory* in a binder, a copy of the access databases used to create the directory in a CD format, or access a copy of the document through the SPB Web site.

The Road to Employment

This booklet is for use at recruitment and community events to promote state careers. The 30-page booklet contains a variety of information related to state civil service employment.

SPB ON-LINE TRAINING DATES

On-Line Examination Training

June 24 – 28, 2002

September 23 – 27, 2002

Time: 8:30 a.m. – 4:30 p.m.

On-Line Certification Training

July 17 – 19, 2002

August 14 – 16, 2002

September 18 – 20, 2002

Time: 8:30 a.m. – 4:30 p.m.

LEAPing Good News

The SPB is pleased to inform you that its new manual, *Guidelines for Implementing the Statutes and Regulations Governing the Limited Examination and Appointment Program (LEAP)*, has been released. The manual provides updated information about LEAP and how to use the program. If you are a departmental equal employment opportunity officer, personnel officer or departmental LEAP coordinator you should already have received a copy of this manual. The SPB is planning to place the manual on its Web site at www.spb.ca.gov, in the Services Section, under Disability Programs and Information.

In addition, SPB contracted with OneWorld Communications to conduct a random survey of state managers and supervisors to determine why more LEAP candidates are not interviewed and hired. This survey indicated that managers and supervisors in general were unable to cite anything negative about LEAP, although many had little awareness about LEAP. The most significant information gleaned from the survey was the need to increase awareness by advertising the program.

As a result of this survey, the SPB will create two new brochures. One brochure will be designed for hiring managers and supervisors outlining advantages of using LEAP. The second brochure will be designed for Department of Rehabilitation counselors to assist them in advising their clients about LEAP as a way to get a state job. SPB has already started marketing LEAP by developing a beautiful LEAP poster. Twenty posters were sent to each state department, with an expectation it will be displayed in prominent locations for hiring managers and supervisors to see.

If you have any questions about the LEAP program, please call or e-mail Sandra Estrada, Statewide LEAP Coordinator at (916) 653-1262, TDD (916) 653-1498 or sestrada@spb.ca.gov. ■

Welcome aboard...

Angela L. Corrigan, OA, Psych Screening

Kara Piantanida, OA, Psych Screening

So long...

Charlotte Robinson, Transfer to SCIF – 2/15/02

Carolyn B. Moore, Retired Annuitant – 4/1/02

Tracy Ferrell, Promotion to Consumer Affairs – 4/22/02

Nicole Robinson, Transfer to B of E – 5/22/02

Nancy Kier, Retirement – 5/30/02

Martha Bestchart, Retirement – 7/2/02

TV&C Corner



Staffing Change...

TV&C offers sincere congratulations to Tracy Ferrel as she leaves her role as the Manager of TV&C for her new role as Manager of the Office of Examination Resources for the Department of Consumer Affairs. We will miss you Tracy!

Getting Technical with TV&C

TV&C continues to offer its publication series for selection analysts and assessment professionals – Getting Technical with TV&C...The goal of Getting Technical is to discuss and explain some of the more technical aspects of assessment and measurement in an understandable and practical manner. The Fall 2001 edition of Getting Technical covers “Structured Interviews”. The term structured interview refers to a formal, systematic, and standardized interview process in which all candidates are (1) assessed under the same testing conditions; (2) provided the same introductory instructions; (3) asked the same set of job-related interview questions, in the same order, and, (4) evaluated against pre-determined, job-related scoring criteria. This FREE publication is available in hard-copy format by contacting any member of TV&C staff, or via the TV&C webpage. The Spring 2002 edition will be available at the end of May, and will address issues that effect examination administration or proctoring.

Upcoming Professional Development Opportunities...

Western Region Intergovernmental Personnel Assessment Council (WRIPAC) will hold its next meeting and training seminars September 18-20 at Asilomar in Pacific Grove. The pre-meeting training seminar will focus on rating Training and Experience (T&E) and will be presented by Mike Willihnganz, Chief of SPB's Policy Division. The International Personnel Management Association Assessment Council (IPMAAC) will hold its annual conference on personnel assessment June 30-July 3 in New Orleans. Contact Mabel Miramon, at (916) 653-1401 for more information about either of these up coming events.

TV&C Staff Support...

TV&C staff continue to be available to assist you with a variety of testing and selection topics, so if you have questions, concerns, or issues with which we can assist, please don't hesitate to call upon us – we are only a phone call or e-mail message away. ■

Questions, comments
or suggestions about
Shared Solutions can
be directed to:

Evan Gerberding

Phone: (916) 657-2904

E-mail address:

egerberding@spb.ca.gov

Mabel Miramon (916) 653-1401
mmiramon@spb.ca.gov

Hilary Tuttle (916) 651-8176
htuttle@spb.ca.gov

Karl Jaeger (916) 653-1143
kjaeger@spb.ca.gov

Nicole Vaillancourt (916) 651-8974
nvaillancourt@spb.ca.gov

TV&C webpage address:
<http://www.spb.ca.gov/tvchome.htm>

Test Talk

A Professional Development Program



The Test Validation and Construction (TV&C) Unit continues to offer *TestTalk*, a lunch-hour, drop-in

program providing testing professionals with opportunities to expand their testing expertise, share ideas, and network with other testing professionals. The TestTalk 2002 topics and dates are listed below.

All *TestTalk* sessions are held at the State Personnel Board, 801 Capital Mall, Room 150. No registration is necessary to attend any of these sessions. For more information on this program or to provide us with topic ideas, contact Mabel Miramon at (916) 653-1401.

RECRUITMENT continued from page 2

The Road to Employment booklet covers topics contained in many of the SPB's individual brochures such as, How to Get a Job, Departmental Testing Offices, Telephone User's Guide, State jobs for 4-Year Degree, 2-Year Degree and High School education levels and other general employment information.

The booklet is available to departments to purchase for their use at recruitment events and departments can purchase advertising space to promote their opportunities in future editions.

For information about the Recruitment Sources Directory and the Road to Employment booklet visit the SPB web site at www.spb.ca.gov. Click on Services, then Recruitment.

If you have any questions regarding the Recruitment Sources Directory or the Road to Employment booklet, please contact the Recruitment Program at (916) 657-2103, or TDD (916) 653-1498 or by e-mail at StateRecruit@spb.ca.gov. ■



Class	Date
Principles of Performance Testing: Measuring What Candidates <u>Really</u> Can Do Half-Day Seminar • 8:30 to Noon • Free!	July 17, 2002
Proctoring: The Essentials of Successful Examination Administration	September 18, 2002
Interpreting the Bottom Line: What Test Results Really Mean	November 13, 2002

Survey Says!



Why do hiring managers and supervisors often ignore qualified, disabled candidates? Many answers to that

question were recently revealed in a very comprehensive survey of the Limited Application and Examination Program (LEAP) conducted by OneWorld Communications for the State Personnel Board.

LEAP is a program operated by the SPB that enables certified individuals with disabilities to be hired into state civil service. LEAP candidates are highly qualified, highly motivated applicants who have a physical or mental impairment that limits some of their life activities. These impairments can also stand in the way of a candidate's ability to successfully compete for state employment.

The purpose of the survey was to measure state hiring managers and supervisors' awareness, perceptions and usage of LEAP, as well as their perceptions of the process involved in identifying, interviewing and hiring disabled personnel.

Telephone interviews were conducted among a randomly selected sample of 300 state hiring personnel.

The key results of the survey follow:

LEAP Awareness & Familiarity

While awareness of LEAP is effectively universal, top-of-mind awareness of the program is modest among hiring managers/supervisors.

Disabled Candidate Hiring Goals

Almost all hiring managers/supervisors are aware of departmental disabled candidate goals, and have received hiring goal fulfillment instructions from their department or agency head.

LEAP Lists

Awareness of LEAP lists is extremely high among LEAP-aware managers/supervisors, although the lists have managed to penetrate only about half of that group. Use of the lists among managers/supervisors in general is rather low, while claimed likely future use is high.

LEAP Candidate Notification

Most LEAP users have notified a LEAP candidate of a job vacancy within the past year.

Interviewing LEAP Candidates

Candidate notification appears to lead to an interview in most cases.

Hiring LEAP Candidates

Being notified of a job vacancy appears to lead to being hired in most, but not all cases. The positions for which LEAP candidates are most often considered, and hired, are largely clerical, e.g., Office Assistant (General) and Office Assistant (Typing). The most commonly cited reason for not hiring a LEAP candidate was the candidate's perceived lack of qualification.

Opinion of LEAP Candidates

LEAP candidates were rated highest for having a positive attitude towards work; being reliable, dependable and responsible, working as members of a

team, getting along well with other employees, quality of work, responding in a timely manner and dealing well with problems.

Reflections

The most encouraging information revealed through the survey was that once LEAP candidates are interviewed, they are often hired, and once they are hired, they are usually very well liked, are appreciated and considered reliable, dependable and responsible. However, the overwhelming majority of state employers are not compelled to use LEAP as a hiring tool.

The next step for the State Personnel Board is to raise awareness of LEAP through a comprehensive marketing strategy. Plans for that effort are currently underway and may include:

- New packaging of the LEAP lists. This may involve color and artwork to evoke a positive response to the list of LEAP candidates.
- Simple advice guidance pieces on topics such as, How the LEAP Process Assists Employers, How to Identify, Interview and Communicate with a LEAP Candidate, How Well People with a Disability Work with Others: Myths and Facts.
- Public service and paid advertising
- Direct mail
- Motivational video
- Brochures and pamphlets

Watch for these and other avenues for generating awareness and acceptance of LEAP. ■

On-Line Publication of the New Law Booklet



Available for the first time on-line is the State Personnel Board's updated law booklet, "Law Governing the Civil Service Merit System," a user-friendly means for state employees and the general public to access SPB's Rules and related Laws free of charge. In the past, updating the law booklet in a timely manner was difficult due to court decisions or urgency legislation adopted throughout the calendar year. In its on-line format the law booklet will now be updated as changes to statutes or SPB rules occur.

This year and in the future, the law booklet will only be published on-line, with hyperlinks from both the Table of Contents and from hundreds of terms in the Index to California State Constitution sections, California statutes, and SPB rules. Each set of related statutes and rules is designed as a separate html document, which can be accessed and printed without leaving your desk.

All of the features of the hard-copy law booklet have been retained and updated, and terminology in the Index has been modernized to reflect current practice.

To access our new law booklet, go to our Web Site, <http://www.spb.ca.gov>, and click on "SPB Decisions" and then "SPB Lawbook." A guide has been provided on that screen for the most effective use of the law booklet in your research.

Contact Steve Unger at (916) 651-8461 or TDD (916) 653-1498 for questions about the SPB law booklet. ■

Overhaul of the State's Discrimination Complaint Process



The State Personnel Board recently completed an extensive study of the state's discrimination complaint process. Overall, we found that the process is "sound in principle, but its implementation by some departments is inconsistent and incomplete." Departments need to improve many aspects of how they handle discrimination complaints to better assure fairness, effectiveness, and accessibility for all state employees. The SPB also needs to provide better guidelines and training to departmental staff to improve their ability to effectively deal with discrimination issues.

The results of the SPB study are included in its February 2002 report, *Status of the State's Discrimination Complaint Process*. In the report, SPB staff made 58 recommendations for improvement. Staff presented its report at a public hearing before the five-member State Personnel Board on March 5, 2002. The hearing was very well attended, indicating a strong interest in the subject. Representatives from the California State Employees Association, California Civil Rights Officers Council, and current and past state employees presented written and oral testimony, sharing their concerns about the state's discrimination complaint process and citing many examples of the problems they perceive.

The five-member Board listened intently to all the testimony, asked many questions, and expressed a strong commitment to improving the discrimination complaint process. The Board took the staff's 58 recommendations and all testimony under consideration and will soon be forwarding its final report with recommended actions for improving the state's discrimination process to the Legislature, as required by statute.

You may view the SPB staff report, *Status of the State's Discrimination Complaint Process*, in its entirety, on SPB's Web site <http://www.spb.ca.gov/eo/eeord.cfm>. ■

TENSION BETWEEN PUBLIC EMPLOYEE COLLECTIVE BARGAINING AGREEMENTS AND CIVIL SERVICE SYSTEMS, IN THE AREA OF DISCIPLINE AND "JUST CAUSE" ARBITRATION AGREEMENTS

The State Personnel Board's Perspective

Editors Note: The California Constitution provides that the State Personnel Board "shall review discipline" taken against state civil service employees. Over the last few years, the Department of Personnel Administration, the agency that oversees collective bargaining on behalf of the Governor, has negotiated provisions in the memoranda of understanding for Bargaining Units 8, 11, 12 and 13 that substitutes a final and binding, grievance/private arbitration procedure for SPB's constitutionally-mandated review process.

The MOUs differ in some minor respects from each other. In some of the MOUs, the remedies available to the disciplined employee vary depending upon the nature of the offense or the severity of the discipline. For example, where the discipline is more severe, the employees generally have a choice between filing an SPB appeal or waiving the SPB appeal and filing. Some of the MOU provisions provide that in cases of minor discipline, the employee may not choose the SPB as a forum, but must go through the final and binding MOU grievance/arbitration procedure.

In 1999, the union for the state attorneys and administrative law judges, then called the Association of State Attorneys and Administrative Law Judges (ACSA), successfully

challenged the MOU for Bargaining Unit 8, with Judge Connelly ruling that the MOU provisions pertaining to employee discipline are unconstitutional. In early 2001, the SPB filed a suit challenging similar provisions set forth in the MOUs for Bargaining Units 11, 12 and 13. Judge Ohanesian ruled those provisions unconstitutional last October. Both cases are currently on appeal. Other "spin off" issues have arisen in the meantime: at least one court has refused to confirm an arbitration award rendered under the Unit 13 MOU on the grounds that the MOU provisions providing for private arbitration of discipline have been found unconstitutional.

In February of this year, the Labor and Employment Section of the San Francisco had, as one topic of its annual seminar, the conflict between civil service laws and collective bargaining. The panel was moderated by Ron Yank, of Carroll, Burdick and McDonough, who negotiated the provisions for Bargaining Unit 8 on behalf of the union. The other panel members were Marty Morgenstern, Director of DPA and Sean Harrigan, Board Member of SPB. What follows is the text of the SPB's position paper that was distributed to the attendees:

While the issue of accommodation between a civil service system and collective bargaining laws in the

area of discipline is unaddressed in many jurisdictions, in California, the Constitution expressly mandates that the State Personnel Board, as part of its role to protect merit in the State Civil Service system, review disciplinary actions taken against state civil service employees. The Dills Act, the collective bargaining law for state employees, also recognizes the importance that the People of the State of California placed on a merit system when it expressly provided that nothing in the collective bargaining laws was to be construed to contravene the spirit and intent of the merit principle in state employment "nor to limit the entitlements of state civil service employees." The Courts and the Public Employment Relations Board have likewise recognized that collective bargaining in California exists within the context of the civil service merit system, and that SPB has an important role in resolving issues concerning the consistency of collective bargaining provisions with the merit principle.

The Current SPB System for Review of Discipline

To assist the SPB in carrying out its constitutional mandate to review discipline, the Legislature established a system whereby civil service employees who are disciplined may

What's the Deal in Appeals?

They're tossin' fish and chasin' cheese in the Appeals Division, so look out when you step off the elevator on the second floor!

Whaddya mean it's NOT in your contract? Higher morale and flexible work dynamics are everyone's right.

So is having fun.

The film "Who Moved My Cheese" contributed job strategies to the Appeals Staff at their fall/winter division meeting. During the following weeks, opportunities for staff upward mobility were implemented; analyst, receptionist, storage and production areas were relocated and/or reconfigured...including the Division Chief's space. We reconfigured his space, not Bill...although, if we had it to do over again...

New policies were cooked up to streamline stale practices for reserving and using SPB rooms 141 and 150, the auditorium. Calendaring, 654-6417, catches the calls reserving room 141; however reservations for the auditorium have moved to Cynthia Burg, 653-1711. A new "facilities use contract" that will clarify customer responsibility is being designed.

One of the philosophy bites in "Who Moved My Cheese," states, "When the cheese moves, you better know where it went or you will be hungry." Appeals management has been moving lots of cheese, creating plenty of change. As of early April, the caseload is as current as it has ever been in recent memory. Some of the changes will be invisible to you...internal process improvement...others, like more in-depth review of appealed

hiring decisions will surface soon on your radar screens.

The "Pike Place Fish Market" video shown at the spring staff meeting featured the employees of this Seattle landmark, who stated their FISH philosophy. Howzat?

Play—Find a Way to Enjoy Yourself

Make Their Day—Good Customer Service to Our Appellants

Be There—Even on the Phone

Choose Your Attitude

The F, I, S, and H are silent...

Some staff are still gasping for breath at the sweeping revisions that cast out inefficient, sloppy or inaccurate processes, while making the most of the divisions' limited...thrice-sliced...resources. Others are hooked on these changes and swimming with the currents of this reduced economy.

One big fisher-person, appeals manager Bea Bailey, began the process months ago, tightening her belt...and ours, too...by moving out excess furnishings, storage boxes and ripe papers resulting in more efficient storage, production and staff working areas. This "Box Buster," along with Kerrie De La Cruz—clean it up or else—Peterson, spent a Saturday setting up the Division Chief's office. Heal thought something was fishy the preceding Friday when Fung Shui rumors kept leaking through his office door.



The net results are that the Appeals Division staff has met many of its proposed goals:

improved, cohesive work spaces; weekly management dialog and communication with staff; implemented the pilot project offering expedited hearings, full day and multiple-day hearings for initial calendar sets; increased morale through gatherings to celebrate birthdays, retirements or each other; and improved the overall accuracy and content of the monthly SPB board calendars prepared by the secretariat.

The allegories in both video presentations confirmed the Appeals Division's priorities for improved case management through accountability, flexibility, and responsibility. In other words, the Appeals Division has learned to move with the cheese, catch...and hold onto...the BIG one that's often called opportunity.) ■

AGREEMENTS continued from page 8

appeal their disciplinary actions to the SPB. SPB Administrative Law Judges (ALJs) are authorized to conduct settlement conferences and often assist the parties in crafting innovative agreements, which may in fact include “last chance” agreements and other unorthodox solutions to the disputes that gave rise to the action. A large percentage of appeals are settled either with or without the assistance of an SPB ALJ.

If the case does not settle, the SPB ALJ conducts an evidentiary hearing and prepares a proposed decision for ultimate review by the 5-member State Personnel Board. Unlike arbitrators or Boards of Adjustment, the ALJs are bound to follow SPB precedential decisions as well as SPB statutes, regulations and other applicable state laws to assure some consistency and predictability in result.

All ALJ proposed decisions are submitted to the 5-member State Personnel Board for ultimate and meaningful review. Members of the Board are appointed by the Governor, but to help insure their independence from political influence, they serve 10 year terms. The Board may adopt the proposed decision of an ALJ, modify the penalty only but adopt the balance of the decision, remand the decision for further findings, or reject the decision and hear the case itself upon a review of the record and oral and written arguments. Once the Board takes final action on the ALJ’s proposed decision, the decision becomes a decision of the Board itself.

The parties may petition for rehearing before the Board and, if the Board grants the petition, may file written briefs and make oral arguments to the Board, after which the Board will issue its own written decision.



Unlike the case in arbitration, either party may challenge the decision of the Board in superior court on grounds that the factual findings are not supported by substantial evidence, the Board applied the law incorrectly, or the level of discipline was an abuse of discretion. A superior court decision is, of course, subject to appeal as well.

Challenges to the SPB’s Constitutional Mandate

The issue of the legality of arbitrating disciplinary actions taken against civil service employees has been around for years. The proposals for arbitrating discipline were first raised by the firefighters’ employee organization that felt that *some* SPB ALJs had a management bias. The State refused to

bargain the proposal on grounds that it fell within the SPB’s constitutional jurisdiction. While the Public Employment Relations Board did hold that disciplinary procedures were negotiable, PERB also clearly held that the parties to a collective bargaining agreement could not cut the SPB out of the disciplinary review process.

Despite the almost complete turnover in ALJs, since the proposals were first put on the bargaining table, this same organization remained interested in substituting private arbitration for SPB review of the disciplinary actions taken against its members. The State eventually became enticed with the idea that the union was willing to pay half the cost of the arbitrations, whereas under the current system the state foots the entire bill for the hearing process.

Despite PERB’s pronouncement that SPB may not be cut out of the disciplinary review process, as well as several warnings from the Courts that the sphere of collective bargaining negotiations is limited by the jurisdiction of the SPB, the exclusive representative for Bargaining Unit 8 (the firefighters) negotiated a grievance/arbitration review process that precluded the SPB from carrying out its constitutional review function. While the process provided employees a choice between the SPB and private arbitration for major discipline, employees who suffered minor discipline were relegated to a Board of Adjustment process with arbitration available only in limited circumstances and only upon request of the union. When the union representing



the SPB ALJs filed suit challenging the negotiated process, Judge Lloyd Connelly of the Sacramento Superior Court ruled that the waiver of SPB review in major discipline cases was illegal, and the entire process was unconstitutional because it did not provide for ultimate and meaningful review by the SPB.

Notwithstanding the superior court ruling in the Unit 8 case, during the next round of collective bargaining, the International Union of Operating Engineers, the exclusive bargaining representatives for Bargaining Units 12 and 13, likewise negotiated grievance/arbitration procedures for the review of discipline taken against their members, which procedures likewise precluded the SPB from performing its constitutional review function. Those procedures, along with a similar procedure covering drug related disciplinary and rejection during probation actions taken against Bargaining Unit 11 employees, were challenged in superior court by the SPB. Judge Gail Ohanasian found those procedures were unconstitutional and could not be harmonized with the

SPB's constitutional jurisdiction, as they provided for final and binding arbitration without SPB review.

Both cases are currently on appeal.

Conclusion

The SPB favors continuous improvement to existing disciplinary review procedures and is receptive to proposals from all of its stakeholders that will meet their needs for a fair, efficient process, while preserving the Board's constitutional role of assuring the merit principle is preserved in the taking and review of disciplinary actions and settlements. To that end, the Board has initiated a peremptory challenge process that provides parties with some input into selection of the ALJ who will hear their appeal, has enacted regulations for an expedited hearing process for excluded employees, as well as pilot projects that provide new options for scheduling multiple day hearings, fast track hearings for resolving appeals within a very short time frame, mediation of interpersonal disputes that may underlie disciplinary actions, and settlement conferences.

The SPB also believes that the collective bargaining system can be used very effectively to negotiate changes and innovations to the disciplinary process that could be easily harmonized with the SPB's constitutional review function. Harmony, however, can only grow out of a commitment on the part of all involved employee organizations and government agencies to recognize the interests sought to be protected by the People of the State of California when they voted for a constitutionally-based merit system—that disciplinary action should be taken not for discriminatory or political reasons, but only for merit-related reasons. ■

Marie and Marion

In February and March of 2002, the State Personnel Board lost two treasured and respected employees. The absence of these women has left a void in our organization and in our hearts.

Marie Stone

Marie came to the State Personnel Board in 1973 and began her career working in various units that dealt with state examinations. Because of the type of person she was, she soon became a resident expert on how to process exams. When SPB developed the on-line examination system, Marie was instrumental in its development and eventually knew more about its operation than anyone, even the programmers who designed it. Before long state departments realized that Marie was always willing to help them with their exam problems, and with her knowledge she always knew the answer. We can truly say that we here at SPB and the all the state departments out there depended on her. That is truly a fitting tribute to this wonderful woman. She was a kind, generous, caring person, a friend to all and she will be greatly missed by all who knew her.

"Marie was like a sister to me."

"She was always willing to help out her coworkers and our client agencies."

"Marie had a great sense of humor but was serious about her responsibilities."

"Marie was the one and only true expert on the on-line examination system."

"When we lost Marie, we lost a dedicated employee and a true friend."

"SPB will simply not be the same without her."

"I still come to work expecting to see Marie working at her desk."

"Needless to say, we miss her dearly."

Marion Rutkauskas

Marion retired after dedicating 38 years of unmatched insight and talent to the State Personnel Board. Her encyclopedic knowledge of personnel laws and rules was legendary, both at the Board and throughout state government. Even after she retired, staff and departments continued to consult with Marion on a variety of human resource issues and she definitely gave the Board a full measure of comfort in decisions involving people, their status and rights. Marion was a true believer in merit based civil service and in the State Personnel Board.

"As a new SPB employee, it was soon evident that Marion was the department historian."

"She knew the reasons why we did things, not just how."

"Marion always took the time to help people."

"She was on just about every Personnel Officer's speed dial."

"If Marion said it, you could take it to the bank."

"I never met anyone who had that kind of job knowledge."

"When Marion retired, we lost our most valuable resource of personnel knowledge, both past and present."

"She will be greatly missed by many people."

Whom Should I Contact?

Subject	Contact Person	Phone	E-Mail
Access to Item Bank or Exam Library	Mare Tennison	654-5844	mtennison@spb.ca.gov
Access to On-Line Cert/Exam & Exam Service	Rosemarie Lopez	653-0904	rlopez@spb.ca.gov
Appeals Information		653-0544	
Bilingual Services	Juana Lopez-Rodriguez	653-1721	jlopez-rodriguez@spb.ca.gov
CEA Allocations, Non-hearing Board Calendar, Resolutions	Pat Embly	657-2389	pembly@spb.ca.gov
CEA Examination Recordings	Irene Riego	653-1705	iriego@spb.ca.gov
Cert, List Usage & Veterans Points	vacant	653-1502	
Civil Rights Office	Ted Edwards	653-1276	tedwards@spb.ca.gov
Contracts	Jerry Donel	653-1717	jdonel@spb.ca.gov
Demonstration Projects	Elizabeth Montoya	654-0842	emontoya@spb.ca.gov
Employment Center	Irene Riego	653-1705	iriego@spb.ca.gov
Illegal Appointments	Daphne Baldwin	653-1529	dbaldwin@spb.ca.gov
Information Technology Access & Scanning Services	Victor Mendoza	653-6234	vmendoza@spb.ca.gov
Internet Testing	Daisy McKenzie	653-1232	dmckenzie@spb.ca.gov
LEAP, ADA	Sandra Estrada	653-1262	sestrada@spb.ca.gov
On-Line Printer Problems	Emanuel Vargas	653-1733	evargas@spb.ca.gov
Policy Issues on: Exams, Re-employment, Status – Misc. Appointments, Separations, Transfers, Reinstatements (including CEAs and Exempts), Probationary Periods, Backdates, T&Ds, TAUs, Range Changes	Rosie Jauregui	653-1827	rjauregui@spb.ca.gov
Pre-employment Drug Testing	Rosie Jauregui	653-1827	rjauregui@spb.ca.gov
Psychological Screening	Sue Lupinetti	653-1258	slupinetti@spb.ca.gov
Quality Assurance	Martha Esmael	657-2654	mesmael@spb.ca.gov
Recruitment	Debbie Santos-Silva	653-7325	dsantos-silva@spb.ca.gov
Registration for On-Line Cert/Exam Training	Bonnie Swinney	653-0549	bswinney@spb.ca.gov
Registration for Technical Training	Karen Pack	653-2085	kpack@spb.ca.gov
Reimbursable Exam Services	Daisy McKenzie	653-1232	dmckenzie@spb.ca.gov
Rulemaking	Steve Unger	651-8461	sunger@spb.ca.gov
Selection & Policy Manuals Orders & Subscriptions	Janice Langford	657-2654	jlangford@spb.ca.gov
Technical Training Program	Bill Groome	653-1597	bgroome@spb.ca.gov
Test Validation & Construction	Mabel Miramon	653-1401	mmiramon@spb.ca.gov